

NATIONAL ADVISORY COMMITTEE ON FARM LABOR

NEW YORK OFFICE:
112 East 19th Street
New York 3, N. Y.
GRamercy 3-0284
Fay Bennett
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Co-Chairmen:

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Norman Thomas

Frederick S. Van Dyke

Maurice T. van Hecke

WASHINGTON OFFICE:

1751 N Street N.W.
Washington 6, D.C.
North 7-3979

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Unions Charge Mexicans Illegally Employed on Struck Farm

United States and Mexican officials have ordered over 500 braceros out of the lettuce fields of the Bruce Church, Inc. ranch in California's Imperial Valley. While his ranch was being struck by AFL-CIO pickets, Church was reported to have added to his own supply of Mexican Nationals nearly 400 more braceros "borrowed" from nearby farms. The international agreement regarding the use of braceros prohibits their being brought in as strikebreakers. In another federal ruling the deputy director of the U.S. Bureau of Employment Security ruled that Imperial Valley farmers must cease hiring some 500 workers who commuted daily from Mexico unless growers provide housing for them.

These rulings are a recent development in the month-old campaign of the Agricultural Workers Organizing Committee and the United Packinghouse Workers to win a wage increase from 90¢ to \$1.25 an hour and collective bargaining rights for Valley lettuce workers. The union organizers and members in California's Imperial Valley are facing the most bitter resistance that has yet been mustered since the Agricultural Workers Organizing Committee began its campaign over a year ago. According to reports, the situation may become explosive as hundreds of armed deputies patrol the area, harassing and intimidating union members.

All of the nearly dozen corporation farms now being struck have hired Mexican workers almost exclusively for years. The presence of qualified domestic workers applying for these jobs has refuted their claim that domestic labor is not available and the present refusal to hire these workers shows the clear preference of these growers for low-cost and easily intimidated bracero labor. Union spokesmen point out that this refusal to hire qualified domestic workers seeking employment on the premises of farms using braceros is a violation of the "gate-hiring" provision of the Mexican farm labor program. They add that workers are not merely refused jobs but "advised" by armed guards to leave the area.

So far growers have been thwarted in attempts to bring braceros in as strikebreakers to picketed farms. But many struck growers still have the services of hundreds of braceros already working when strikes were declared. So long as these growers are permitted to continue using these braceros, they will be in a very strong position to retain their absolute power over farm wages and conditions. The bracero issue is clearly crucial here. Of the 11,500 farm workers now employed in the Valley, 9,000 are braceros. In late 1959, about 90% of all lettuce workers in the state were Mexican contract workers.

Mexican Farm Labor Program Reviewed in The Reporter Magazine

The 1960 fight over the Mexican Farm Labor Program is reviewed by

Arnold Mayer in The Reporter magazine of February 2, 1961. On the scene as legislative representative of the AFL-CIO's Amalgamated Meat Cutters and Butcher Workmen, which recently merged with the National Agricultural Workers Union, Mayer gives a first-hand account of the struggle over renewal of Public Law 78 which authorizes the program.

In addition to analyzing the major issues and arguments raised by the massive importation of contract labor, Mayer identifies the protagonists and the conflicting values and interests involved. The history of the program and the story of its repeated extension are concisely summarized. This office hopes to have reprints available soon.

Outlook for Farm Labor Legislation

In the past, farm labor legislation has consisted almost entirely of attaching agricultural exemptions to our various social and labor laws. Many people have been unaware of these legal discriminations and of the desperate poverty of seasonal and migrant farm labor. But recent exposures of their situation through TV and press coverage, and the increased expression of concern on the part of many government officials have built up a growing public demand that prompt action be taken to meet their needs.

The Mexican Farm Labor Program

The one piece of legislation that does specifically concern farm labor is widely regarded as highly detrimental to their interests and well-being. This is the Mexican Farm Labor Program often referred to as Public Law 78 (82nd Congress). Enacted in 1951 as a temporary measure to meet an alleged labor shortage during the Korean conflict, the program was supposed to supply workers only for manual field work and only under conditions that would not depress farm wages or restrict employment opportunities of domestic workers.

Extensive and compelling evidence has been amassed showing that the program has not worked out as was officially intended. The numbers of "supplemental" Mexican contract workers, known as braceros, rose in 1959, to nearly half a million. In some areas and crops, particularly on the large-scale corporation farms of the Southwest, the program has virtually supplanted domestic labor and forced thousands of domestic farm workers into the migrant stream. A Department of Labor survey of wages in bracero-using areas explains why these domestics pack up and leave home each year. "In nearly 7 out of 10 cases farm wages in those bracero-using areas either declined or remained the same in the 6-year period, 1953-1959...."

There is also evidence that the availability of low-cost contract labor has prompted crop speculation, forcing prices down and driving many small-scale farmers into bankruptcy. Cotton and tomatoes, the crops that employ the most braceros, provide notable examples of this. Overproduction in cotton has cost taxpayers millions of dollars in subsidy payments for surpluses under the Commodity Credit Corporation.

The present extension of Public Law 78 is due to end December 31, 1961. There is certain to be a vigorous debate over the program and a number of Senators and Representatives are committed to oppose further extension unless the provisions intended to protect domestic farm workers are strengthened and made easier to enforce. Hearings before the Senate Agriculture Committee are expected to begin in the near future.

Minimum Wage for Agriculture

Bills to establish a minimum wage for farm workers are expected to be introduced again this year. The Senate Subcommittee on Migratory Labor has already held hearings on the need for such legislation. As one of his last official acts, former Secretary of Labor Mitchell urged Congress to enact a minimum wage for farm workers. Mitchell stated: "A minimum wage for agriculture is in my opinion both feasible and desirable, and need only apply to those large farms which employ most of the hired farm labor, to be effective." Mitchell supported his proposal by sending to Members of Congress a Labor Department study, "Problems Involved in Applying a Federal Minimum Wage to Agricultural Workers."

The call for a minimum wage for farmworkers was immediately welcomed by the New York Times which stated editorially: "Action along these lines is a primary obligation of the Eighty-seventh Congress--one which also calls for strong Presidential support."

Child Labor in Agriculture

Child labor remains a major problem in agriculture. The federal Fair Labor Standards Act prohibits the employment of children under the age of 16 years in establishments producing goods for shipment in interstate and foreign commerce. An exception is made regarding employment in agriculture which limits this protection to periods when schools are in session.

In 1959 Senator McNamara introduced a bill to remove the agricultural exemption from the child labor provisions of the Act and the Senate Subcommittee on Migratory Labor heard testimony on this bill. A similar proposal is expected to be introduced this year.

Some people have voiced reservations about restricting child labor in agriculture because of the already low family income of farm workers. To this objection persons favoring extension of the protections afforded other children point to two considerations;

1. Widespread use of child labor is one of the factors that has kept farm wages down. The most recent evidence of this is provided by a report issued by the New York State Department of Labor last August on "Employment and Earnings of Migrant Farm Workers in New York State." A comparison of earnings in the Rochester and Utica areas showed that although the average Utica migrant had almost as many days of work (48) as the average Rochester migrant (52), the median seasonal earnings of the Utica migrant were \$208 while the Rochester median was \$298. The report states: "The record of days of work...explains only a small part of the difference....Further explanation may be sought in the relatively large numbers of women and children among the Utica-area workers." Depressed wages in the Utica area had already been noted by New York State Industrial Commissioner Catherwood in his testimony before the U.S. Senate Subcommittee on Migratory Labor in December, 1959. At that time Commissioner Catherwood reported that bean pickers around Utica were typically paid the same low wage rate in 1959--50¢ a bushel--that they had received in 1945.

2. Extension of the existing child labor provisions does not absolutely prohibit the employment of children under 16 years of age. The 16 year minimum is already qualified by Section 3L of the Fair Labor Standards Act which permits the employment of 14 and 15 year olds for work outside of school hours that is certified by the Secretary of Labor to be neither hazardous nor requiring adult strength.

National Council of Churches Votes Support to Farm Workers

Delegates representing the 40 million members of the National Council of Churches at its fifth general assembly held recently in San Francisco voiced their support of the Agricultural Workers Organizing Committee's campaign and called for legislation to aid farm labor. They unanimously endorsed a general board policy statement urging the "continuation of current efforts at responsible and democratic labor organization among these workers." In addition, the Council's statement on migrant labor said in part: "We encourage more vigorous efforts in behalf of federal and state legislation to extend the federal minimum wage; to improve housing facilities, health, education and welfare services; and transportation safeguards for migratory farm workers....We favor extending to them by law the right of collective bargaining and access to the services of the National Labor Relations Board on a par with other wage workers in industry."

Mexican Contract Program Attacked by Msgr. Higgins

Addressing the Catholic Economic Association, Msgr. George G. Higgins called for the repeal or drastic overhaul of the Mexican Farm Labor Program as the necessary first step towards relieving the "miserable plight" of farm workers and their families. Director of the Social Action Department of the National Catholic Welfare Conference, Msgr. Higgins warned: "Congress could legislate on this problem from now until doomsday and accomplish very little unless and until it either repeals or radically amends Public Law 78, which authorizes the wholesale importation of Mexican farm workers in the United States on a contract basis."

Msgr. Higgins is well acquainted with the operation of the Mexican contract program. He was one of the four distinguished citizens appointed as consultants by former Labor Secretary Mitchell to study and evaluate the program in 1959. In their report the four recommended against continuation of the program unless reforms were enacted to end its adverse effects.

The Monsignor also called for a federal minimum wage and child labor legislation for agriculture. Ultimately, Msgr. Higgins observed, the best hope of ending the poverty of farm workers lay in their successful organization into bargaining associations.

Migrant Ministry Puts Major Emphasis on Legislation

At its conference in Washington last November marking the 40th anniversary of the National Council of Churches' Migrant Ministry, a plan was announced for an extended program "to free migrants from the shackles of economic, social and educational deprivations." For the first time the Migrant Ministry made their primary focus legislative efforts to achieve this goal. At the same time, the Ministry plans to expand its own program of providing religious, social, and educational programs to migrants so long as the need for these services continues.

President's Committee on Migratory Labor Made Permanent

In mid-November President Eisenhower issued an executive order assigning permanent status to the President's Committee on Migratory Labor, an inter-cabinet agency which he created by presidential letter in 1954. In its recent Report to the President, the Committee listed some of the rights of citizenship of which migrants are deprived. The Committee stressed that many of those rights could be restored by removing residency requirements in health, education and welfare programs and

recommended elimination of residence requirements as a condition for receipt of all such funds. Other recommendations called for a continuing review of all foreign labor import programs in order to make certain that such importation does not adversely effect the wages, conditions, and employment opportunities of domestic farm workers. Federal legislation to require the licensing of crew leaders was also urged.

National Agricultural Workers Union Merges with Meat Cutters

The National Agricultural Workers Union, AFL-CIO, merged last fall with the Amalgamated Meat Cutters and Butcher Workmen, AFL-CIO. Offices of the new agricultural and allied workers division of the Meat Cutters were opened in Memphis in October. H. L. Mitchell, former NAWU president, heads this division. Plans are being made for a new organizing drive in the South.

The Amalgamated Meat Cutters have included some agricultural workers among its members since the early years of World War II when it established a union shop for field and processing workers at Seabrook Farms in New Jersey.

Grange Recognizes Right of Farm Workers to Organize

Both the National Grange Convention and the convention of the California State Grange passed resolutions on farm labor which upheld: "The right of any person, or group, to unite or organize to improve their economic status; and their right to designate any person or group they individually desire, to represent them in negotiations on working conditions, wages, and other matters pertaining to their labor."

Television Highlights Conditions of Migrants

"Harvest of Shame," the CBS television documentary which so graphically portrayed the plight of migrant farm workers has evoked considerable comment. CBS was flooded with messages, the great majority of them praising the production and voicing shock that such conditions prevail.

The migrants' plight was also depicted in a nationwide ABC-TV dramatization "Down the Road," sponsored by the American Jewish Committee's Institute of Human Relations. Residents of Washington state recently saw "Bitter Harvest," a television report on conditions of the nearly 50,000 migrants in that state produced by Seattle station KING.

"End Child Labor Now!" Reprints Available from This Office

"End Child Labor Now!", an article by A.E. Farrell on migrant farm labor and especially migrant children, that appeared in the November issue of Good Housekeeping has been reprinted by the National Child Labor Committee. Reprints are also available from this office.